

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Michael Matthew Moller
Brenda Lee Moller
Debtor(s)

Bankruptcy Case No.: 18-10227-TPA
Per October 9, 2018 Proceeding
Chapter: 13
Docket No.: 27 – 6, 22
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated March 15, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,087.00 as of October 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Erie County Tax Claim Bureau (Claim No. 12) at 9%; Internal Revenue Service (Claim No. 1-2); U.S. Bank National Association (Claim No. 11-2); ACAR Leasing (Claim No. 3) .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

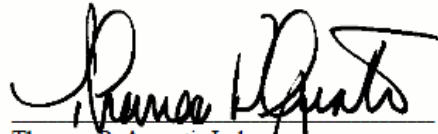
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: October 11, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Michael Matthew Moller
 Brenda Lee Moller
 Debtors

Case No. 18-10227-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: jmar
 Form ID: 149

Page 1 of 2
 Total Noticed: 37

Date Rcvd: Oct 11, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 13, 2018.

db/jdb
 14810545 +Michael Matthew Moller, Brenda Lee Moller, 1031 West 27th Street, Erie, PA 16508-1521
 14792434 +ACAR Leasing LTD d/b/a GM Financial Leasing, P.O. Box 183853, Arlington, TX 76096-3853
 14792435 Barclays Card, Card Services, P.O. Box 13337, Philadelphia, PA 19101-3337
 14792436 BarclaysCard, Card Services, P.O. Box 13337, Philadelphia, PA 19101-3337
 14792436 +Beneficial Consumer Discount Co., d/b/a Beneficial Mortgage Co. of PA,
 2320 West Eighth Street, Erie, PA 16505-4426
 14792439 +Case Management Services LP, 698 1/2 South Ogden Street, Buffalo, NY 14206-2317
 14792441 +Demetrios H. Tsarouhis, Esquire, 21 S. 9th Street, Suite 200, Allentown, PA 18102-4861
 14792443 +Erie Community Credit Union, 1129 State Street, Erie, PA 16501-1911
 14792444 +Erie County Tax Claim Bureau, Erie County Courthouse, 140 West Sixth Street, Room 110,
 Erie, PA 16501-1029
 14792437 ++FIRST SAVINGS BANK, PO BOX 5096, SIOUX FALLS SD 57117-5096
 (address filed with court: Blaze MasterCard, P.O. Box 2534, Omaha, NE 68103-2534)
 14792448 +FNB Consumer Discount Co., 2501 West 12th Street, Erie, PA 16505-4527
 14792447 First Premier Bank, P.O. Box 5524, Sioux Falls, SD 57117-5524
 14792446 First Premier Bank, P.O. Box 5529, Sioux Falls, SD 57117-5529
 14792449 GM Financial Leasing, P.O. Box 78143, Phoenix, AZ 85062-8143
 14792450 +I.C. Systems, Inc., P.O. Box 64378, St. Paul, MN 55164-0378
 14792452 +Mariner Finance LLC, 8211 Tower Center Drive, Nottingham, MD 21236-5904
 14792456 +Saint Vincent Health Center, 232 West 25th Street, Erie, PA 16544-0001
 14792459 +State Collection Service Inc., 2509 S. Stoughton Road, Madison, WI 53716-3314
 14803681 +Tendto Credit Union, f/k/a Erie Community Credit Union,
 c/o Carol F. Messenger, Payment Solution, 1915 East 36th Street, Erie, PA 16510-2663
 14792460 USAA Credit Card Payments, 10750 McDermott Fwy., San Antonio, TX 78288-0509

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14792438 E-mail/PDF: gecsed@recoverycorp.com Oct 12 2018 02:47:40 CareCredit, Synchrony Bank,
 P.O. Box 960061, Orlando, FL 32896-0061
 14792440 E-mail/PDF: creditonebknknotifications@resurgent.com Oct 12 2018 02:47:48 Credit One Bank,
 P.O. Box 60500, City of Industry, CA 91716-0500
 14792442 +E-mail/Text: Billing_Paperwork@emergycare.org Oct 12 2018 02:35:28 Emergycare,
 1926 Peach Street, Erie, PA 16502-2872
 14792445 E-mail/Text: csbankruptcy@eriewaterworks.org Oct 12 2018 02:35:16 Erie Water Works,
 Collection Dept., 340 West Bayfront Parkway, P.O. Box 6179, Erie, PA 16512-6179
 14792451 E-mail/Text: cio.bncmail@irs.gov Oct 12 2018 02:34:00 Internal Revenue Service,
 ATTN: Centralized Insolvency Operations, P.O. Box 7346, Philadelphia, PA 19101-7346
 14850314 E-mail/PDF: resurgentbknknotifications@resurgent.com Oct 12 2018 02:47:52
 LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC and,
 FNBM, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14850284 E-mail/Text: bkr@cardworks.com Oct 12 2018 02:33:44 MERRICK BANK,
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 14792453 E-mail/Text: bkr@cardworks.com Oct 12 2018 02:33:44 Merrick Bank, P.O. Box 660702,
 Dallas, TX 75266-0702
 14792454 +E-mail/Text: bkr@cardworks.com Oct 12 2018 02:33:44 Merrick Bank, P.O. Box 9201,
 Old Bethpage, NY 11804-9001
 14792455 +E-mail/Text: MEvan@mchl.org Oct 12 2018 02:35:06 Millcreek Community Hospital,
 5539 Peach Street, Suite 1, Erie, PA 16509-2683
 14814999 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 12 2018 02:59:48
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14793191 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 12 2018 02:48:20
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14832194 +E-mail/Text: JCAP_BNC_Notices@jcap.com Oct 12 2018 02:34:57 Premier Bankcard, LLC,
 Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999
 14792457 +E-mail/Text: jennifer.chacon@spservicing.com Oct 12 2018 02:35:35
 Select Portfolio Servicing, Inc., P.O. Box 65250, Salt Lake City, UT 84165-0250
 14792458 +E-mail/Text: jennifer.chacon@spservicing.com Oct 12 2018 02:35:35
 Select Portfolio Servicing, Inc., 3217 South Decker Lake Drive,
 Salt Lake City, UT 84119-3284
 14852938 E-mail/Text: jennifer.chacon@spservicing.com Oct 12 2018 02:35:35
 U.S. Bank National Association, et al, c/o Select Portfolio Servicing, Inc.,
 P.O. Box 65250, Salt Lake City, UT 84165-0250
 14852700 +E-mail/Text: bncmail@-legal.com Oct 12 2018 02:34:52 USAA Savings Bank,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132

TOTAL: 17

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr U.S. Bank National Association, as indenture trust

District/off: 0315-1

User: jmar
Form ID: 149

Page 2 of 2
Total Noticed: 37

Date Rcvd: Oct 11, 2018

cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTALS: 1, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 13, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 11, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor U.S. Bank National Association, as indenture trustee,
for the CIM Trust 2016-3, Mortgage-Backed Notes, Series 2016-3 bkgroup@kmlawgroup.com
Michael S. Jan Janin on behalf of Debtor Michael Matthew Moller mjanjanin@quinnfirm.com,
knottingham@quinnfirm.com;mboni@quinnfirm.com;mgleba@quinnfirm.com;mmbquinnbankruptcy@gmail.com;m
myers@quinnfirm.com;mtrayer@quinnfirm.com
Michael S. Jan Janin on behalf of Joint Debtor Brenda Lee Moller mjanjanin@quinnfirm.com,
knottingham@quinnfirm.com;mboni@quinnfirm.com;mgleba@quinnfirm.com;mmbquinnbankruptcy@gmail.com;m
myers@quinnfirm.com;mtrayer@quinnfirm.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5